

25402-005
Serial No. 10/822,083
Art Unit 3751

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Mathieu Lion, et al.

Examiner: NGUYEN, TUAN N.

Serial No.: 10/822,083

Group Art Unit: 3751

Filed: April 8, 2004

For: CULINARY BRUSH

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

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RESPONSE TO OFFICE ACTION

In the Office Action of July 5, 2006, a requirement was made under 35 U.S.C. §121 to elect a single species for prosecution on the merits.

The Examiner has identified three (3) patentably distinct species: Species I: Figure 2; Species II: Figure 3; and Species III: Figure 9. On review of the application and drawings, it is submitted that Figures 2 and 3 are directed to the same species. Figure 2 shows only a portion of the handle shown in Figure 3. Thus, there appears to be only two patentably distinct species: Figures 2-3 and Figure 9.

Applicants elect to prosecute on its merits the species shown in Figures 2 and 3. If the Examiner maintains that Figures 2 and 3 are directed to two patentably distinct species, then the applicants elect to prosecute on its merits the species shown in Figure 3.

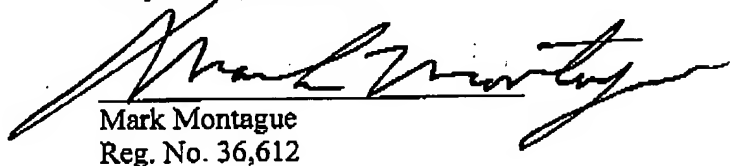
Based upon a review of the claims, it is submitted that the following is a listing of all claims readable on the elected species: Claims 1-27 and 29-37.

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The Examiner has indicated that at least claims 1 and 32 are considered generic. It is submitted that claim 32 is not generic since it states that the nozzle and handle can be disconnected, but Figure 9 represents an embodiment where they cannot be disconnected. Instead, it is submitted that the following claims are generic to the multiple species disclosed: Independent claim 1 and dependent claims 2-7, 19-25 and 29-31.

Should any of the generic claims be found in condition for allowance, it is submitted that the claim directed to the non-elected species be examined on its merits. Applicants reserve the right to file a divisional application directed to those claims in the instant application which are eventually not examined on the merits.

Respectfully submitted,



Mark Montague
Reg. No. 36,612

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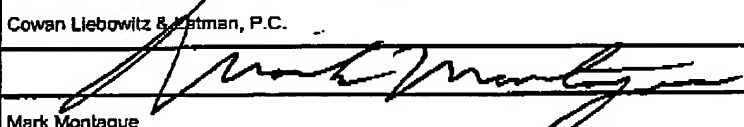
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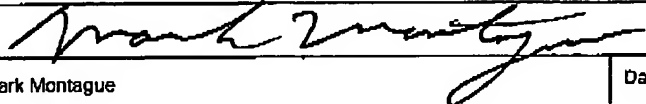
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TRANSMITTAL FORM 1-571-273-8300 <small>(to be used for all correspondence after initial filing)</small>	Application Number	10/822,083	
	Filing Date	April 8, 2004	
	First Named Inventor	Lien	
	Art Unit	3751	
	Examiner Name	NGUYEN	
Total Number of Pages In This Submission	3	Attorney Docket Number	25402-005

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Firm Name	Cowan Liebowitz & Latman, P.C.	
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